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June 30, 2022

VIA ECF

The Honorable Gerald A. McHugh
[Chambers of Judge Gerald McHugh@paed.uscourts.gov](mailto:Chambers_of_Judge_Gerald_McHugh@paed.uscourts.gov)
United States District Court for the
Eastern District of Pennsylvania
U.S. Courthouse, Room 9613
601 Market Street
Philadelphia, PA 19106

Re: Reach Communications Specialists, Inc. v. Williams, et al.
No. 2:13-cv-02388-GAM

Dear Judge McHugh:

On behalf of defendant Lexington Technology Auditing, Inc., I respectfully request that this Court schedule the above action for another status conference.

More than three years ago, on May 31, 2019, at plaintiff's request, this Court entered a stay of this action pending the conclusion of the criminal proceedings involving plaintiff's principal. Those proceedings ended and plaintiff's principal is now serving a 121-month prison term that is due to end in 2029. I believe it is fair to say that the Court and all counsel understand that this action may not be fairly litigated while plaintiff's principal remains incarcerated.

At our last status conference on January 28, 2022, the Court asked plaintiff's counsel, Thomas McNamara, Esquire, to confer with plaintiff's principal to determine whether plaintiff would agree to dismiss this action voluntarily, and then to report back to the Court. On March 2, 2022, Mr. McNamara advised me that due to restrictions at FCI Fort Dix, he had not been able to confer with his client. My subsequent attempts to follow up with Mr. McNamara have not been successful. Lexington believes that at this point, the action should be dismissed for lack of prosecution, and that a status conference would aid in deciding on a process by which plaintiff's failure to prosecute should be presented to this Court for a resolution.

We appreciate Your Honor's consideration of this request.

Respectfully,

/s/ Brian T. Feeney

Brian T. Feeney

cc: All Counsel of Record (*via* ECF)

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